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10/811,021	03/25/2004	Sam L. Shipley	0526-01UA	9590

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EXAMINER

SHARON, AYAL I

ART UNIT PAPER NUMBER

2123

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,021

Applicant(s)

SHIPLEY, SAM L.

Examiner

Ayal I. Sharon

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 1, 16, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. Claims 1-25 of U.S. Application 10/811,021, filed on 03/25/2004, are currently pending.
2. This application claims benefit of U.S. Provisional Application 60/537,589, filed on 1/20/2004.

Claim Objections

3. Claims 1, 16, and 23 are objected to because of the following informalities: the preambles to the independent claims recite “[a] method for embellishing an architectural structure”, yet the claims appear to be directed to a method for designing an architectural structure embellishment. Appropriate correction is required.
4. Claim 23, is objected to because of the following informalities: the expression “greater that or equal to” appears at line 16, and “less that or equal to” appears at line 17. The word “that” should be “than”. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-20 and 23-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

7. The fundamental test for patent eligibility is to determine whether the claimed invention produces a **“useful, concrete and tangible result.”** See State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F. 3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) and AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999). In these decisions, the court found that the claimed invention as a whole must accomplish a practical application. That is, it must produce a **“useful, concrete and tangible result.”**

8. See State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. (“[T]he transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces ‘a useful, concrete and tangible result’ – a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades”).
9. See also AT&T, 172 F.3d at 1358, 50 USPQ2d at 1452 (Claims drawn to a long-distance telephone billing process containing mathematical algorithms were held patentable subject matter because the process used the algorithm to produce a

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useful, concrete, tangible result - a primary inter-exchange carrier ("PIC")

indicator - without preempting other uses of the mathematical principle).

10. The Examiner respectfully submits that the rejected claims do not recite any tangible result.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. The prior art used for these rejections is as follows:

a. U.S. PG-PUB 2004/0167651. (Hereinafter "**Carey_1**").

13. The claim rejections are hereby summarized for Applicant's convenience. The detailed rejections follow.

14. Claims 1-5, 9-16, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carey_1.

15. In regards to Claim 1, Carey_1 teaches the following limitations:

1. *A method for embellishing an architectural structure, the method comprising the steps of:*

receiving information indicative of a dimension of the architectural structure;

(See Carey_1, especially: Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

receiving information indicative of a selected embellishment of the architectural structure along the dimension;

(See Carey_1, especially: Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

selecting a mold to construct the selected embellishment;

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

associating the mold with dimension information that includes a minimum dimension and a maximum dimension of the selected mold; and

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

using the dimension of the architectural structure and the dimensional information of the selected mold to calculate how many segments of the selected embellishment are required, and a dimension of each of the segments of the selected embellishment.

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

16. In regards to Claim 2, Carey_1 teaches the following limitations:

2. *The method as recited in claim 1, wherein the selected embellishment is cast stone.*

(See Carey_1, especially: paragraphs [0004]).

17. In regards to Claim 3, Carey_1 teaches the following limitations:

3. *The method as recited in claim 1, wherein the using the dimension of the architectural structure and dimensional information of the selected mold to calculate a dimension of the selected embellishment comprises:*

accessing a library of molds to obtain the dimensional information of the selected mold.

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

18. In regards to Claim 4, Carey_1 teaches the following limitations:

4. The method as recited in claim 3, wherein the library of molds comprises dimensional information corresponding to a plurality of molds.

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

19. In regards to Claim 5, Carey_1 teaches the following limitations:

5. The method as recited in claim 4, wherein a first portion of the molds within the library of molds have a fixed dimension and wherein a remainder of the molds have a variable dimension.

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

20. In regards to Claim 9, Carey_1 teaches the following limitations:

9. The method as recited in claim 1, wherein the architectural structure is selected from the group consisting of: a window, a column, and a fireplace.

Carey_1 teaches the following architectural structures: window frames, door frames, gazebos, staircases, (See Carey_1, especially:), and also columns (See Carey_1, especially: Figs. 2, 5a and 5c, and paragraphs [0024], [0029], [0033], and [0034]. While Carey_1, does not expressly teach that the architectural structure can be a fireplace, Carey_1 does teach that "if no mold exists, the method further comprises manufacturing or buying a mold for the ... part." (see Abstract).

21. In regards to Claim 10, Carey_1 teaches the following limitations:

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10. *The method as recited in claim 9, wherein in the event the architectural structure is a window, the selected embellishment includes a trim style, a keystone style, and/or a sill style*

(See Carey_1, especially: Figures 5a-5d, and associated text at paragraphs [0033] to [0034]).

22. In regards to Claim 11, Carey_1 teaches the following limitations:

11. *The method as recited in claim 9, wherein in the event the architectural structure is a column, the selected embellishment includes a shaft style, a base style, and/or a capital style.*

(See Carey_1, especially: Figures 5a-5d, and associated text at paragraphs [0033] to [0034]).

23. In regards to Claim 12, Carey_1 teaches the following limitations:

12. *The method as recited in claim 1, further comprising: receiving information indicative of a selected characteristic of the selected embellishment.*

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

24. In regards to Claim 13, Carey_1 teaches the following limitations:

13. *The method as recited in claim 12, wherein the selected characteristic of the selected embellishment includes a color, a texture, a material, shape, and/or a cross sectional pattern.*

Examiner has interpreted this limitation as being in the alternative for all listed elements. Carey_1 expressly teaches that the embellishment includes a shape.

(See Carey_1, especially: Figure 1 and associated text at paragraph [0026]).

25. In regards to Claim 14, Carey_1 teaches the following limitations:

14. *The method as recited in claim 1, further comprising: generating a list of materials specifying the selected mold and the calculated dimension of the selected embellishment.*

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(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

26. In regards to Claim 15, Carey_1 teaches the following limitations:

*15. The method as recited in claim 1, further comprising:
generating a shop drawing illustrating the architectural structure and the
selected embellishment.*

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

27. In regards to Claim 16, Carey_1 teaches the following limitations:

*16. A method for embellishing an architectural structure, comprising:
receiving information indicative of a dimension of the architectural
structure;*

(See Carey_1, especially: Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

*receiving information indicative of a first selected embellishment of
the architectural structure along the dimension;*

(See Carey_1, especially: Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

*receiving information indicative of a second selected embellishment
of the architectural structure along the dimension;*

(See Carey_1, especially: especially at paragraph [0025], where Carey_1 teaches that "As it is well known, decorative stonework products are often not composed of a single, continuously molded block. Instead ... individual components or parts are utilized." See also Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

selecting a first mold to construct the first selected embellishment;

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

*selecting a second mold to construct the second selected
embellishment; and using the dimension of the architectural structure,
dimensional information of the first mold and dimensional information of*

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the second mold to calculate a dimension of the second selected embellishment.

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

28. In regards to Claim 20, Carey_1 teaches the following limitations:

20. The method as recited in claim 16, further comprising: generating a list of materials specifying the first and second molds, the required number of sections of the second selected embellishment, and the calculated dimension of each of the sections.

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

31. The prior art used for these rejections is as follows:

- a. U.S. PG-PUB 2004/0167651. (Hereinafter "**Carey_1**").
- b. U.S. PG-PUB 2005/0004783. (Hereinafter "**Carey_2**").
- c. U.S. PG-PUB 2004/0167649. (Hereinafter "**Carey_3**").
- d. Note: Carey_2 expressly incorporates the Carey_3 reference (See paragraph [0047] of Carey_2).

32. The claim rejections are hereby summarized for Applicant's convenience. The detailed rejections follow.

33. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carey_1 in view of Carey_2.

34. In regards to Claim 6, Carey_1 does not expressly teach the following limitations:

6. *The method as recited in claim 1, wherein the dimension of the architectural structure is received from a library of architectural structures.*

Carey_2, on the other hand, discloses an architectural structure received from a library of architectural structures, especially in Fig.7, Items 702, 704, and 723, and at the associated text at paragraphs [0041] to [0044].

Carey_1, Carey_2, and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_2.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_2 to obtain the invention as claimed in claim 6.

35. In regards to Claim 7, Carey_1 teaches the following limitations:

7. The method as recited in claim 6, wherein the library of architectural structures includes a manufacturer name and a model number.

(See Carey_2, especially: paragraphs [0009], [0027] and [0040] to [0058]).

36. In regards to Claim 8, Carey_1 does not expressly teach the following limitations:

8. The method as recited in claim 1, wherein the dimension of the architectural structure is received via a manual input.

Carey_2, on the other hand, discloses a dimension of a architectural structure is received via a manual input, especially in Fig.7, Items 702, 704, and 723, and at the associated text at paragraphs [0041] to [0044].

Carey_1 and Carey_2 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_2.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional

application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_2 to obtain the invention as claimed in claim 8.

37. Claims 17-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carey_1 in view of Carey_3.

38. In regards to Claim 17, Carey_1 does not expressly teach the following limitations:

17. The method as recited in claim 16, wherein the first mold has a fixed dimension and the second mold has a variable dimension.

Carey_3, on the other hand, teaches a fixed dimension and the second mold has a variable dimension, especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_1 and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_3.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_3 to obtain the invention as claimed in claim 17.

39. In regards to Claim 18, Carey_1 does not expressly teach the following limitations:

18. The method as recited in claim 17, wherein the dimensional information of the second mold comprises a minimum dimension and a maximum dimension of the second mold.

Carey_3, on the other hand, teaches a fixed dimension and the second mold has a variable dimension, especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_1 and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_3.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_3 to obtain the invention as claimed in claim 18.

40. In regards to Claim 19, Carey_1 Carey_1 does not expressly teach the following limitations:

19. The method as recited in claim 18, wherein the using the dimension of the architectural structure, dimensional information of the first selected

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mold, and dimensional information of the second selected mold to calculate a dimension of the first selected embellishment comprises: accessing a library of molds to obtain the dimensional information of the first mold;

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

However, Carey_1 does not expressly teach the following limitations:

subtracting the fixed dimension of the first mold from the dimension of the architectural structure to obtain a remainder dimension;

accessing the library of molds to obtain the dimensional information of the second mold;

using the remainder dimension, the minimum dimension of the second mold, and the maximum dimension of the second mold to calculate a required number of sections of the second selected embellishment and a dimension of each of the sections, wherein the dimension of each of the sections is:

(i) greater than or equal to the minimum dimension of the second mold. and

(ii) less than or equal to the maximum dimension of the second mold, and

wherein a sum of the dimensions of the sections is substantially equal to the remainder dimension.

Carey_3, on the other hand, teaches a fixed dimension and the second mold has a variable dimension, especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_3 also teaches the use of minimum and maximum dimensions - especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_1 and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_3.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_3 to obtain the invention as claimed in claim 19.

41. In regards to Claim 21, Carey_1 does not expressly teach the following limitations:

*21. The method as recited in claim 16, further comprising:
generating a shop drawing illustrating the architectural structure, the first and second selected embellishments, and a relative positioning of the first and second selected embellishments with respect to the architectural structure.*

(See Carey_1, especially: Figures 7A and 7B, and associated text at paragraphs [0041] to [0047]).

42. In regards to Claim 22, Carey_1 does not expressly teach the following limitations:

*22. The method as recited in claim 21, wherein the generating the shop drawing comprises:
accessing a library of architectural structures to obtain a graphical representation of the architectural structure;*

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

accessing a library of molds to obtain graphical representations of the first and second selected embellishments; and

(See Carey_1, especially: Figure 6, Items 610, 614, and 616 and associated text at paragraphs [0040] to [0041]).

using the graphical representation of the architectural structure and the graphical representations of the first and second selected embellishments to generate an image of the architectural structure and the first and second selected embellishments, wherein the image indicates the relative positioning of the first and second selected embellishments with respect to the architectural structure.

However, Carey_1 does not expressly teach the following limitations:

using the graphical representation of the architectural structure and the graphical representations of the first and second selected embellishments to generate an image of the architectural structure and the first and second selected embellishments, wherein the image indicates the relative positioning of the first and second selected embellishments with respect to the architectural structure.

Carey_3, on the other hand, teaches the use of generating and modifying images of the embellishments as in Figs.7A and 7B, Items 704, 724, 758, 780, and at the associated text at paragraphs [0046] to [0057].

Carey_1 and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_3.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial

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disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_3 to obtain the invention as claimed in claim 22.

43. In regards to Claim 23, Carey_1 does not expressly teach the following limitations:

23. *A method for embellishing an architectural structure, comprising: receiving information indicative of a dimension of the architectural structure;*

(See Carey_1, especially: Figures 2 and 3, and associated text at paragraphs [0028] to [0032]).

However, Carey_1 does not expressly teach the following limitations:

receiving information indicative of a plurality of embellishments of the architectural structure along the dimension, wherein the plurality of embellishments comprises a first embellishment having a fixed dimension and a second embellishment having a variable dimension;

selecting a first mold to construct the first embellishment;

selecting a second mold to construct the second embellishment, wherein the second mold has a minimum dimension and a maximum dimension; and

calculating, using the dimension of the architectural structure, dimensional information of the first mold, and the minimum and maximum dimensions of the second mold, a required number of sections of the second embellishment and a dimension of each of the sections of the second embellishment, wherein the dimension of each of the sections of the second embellishment is:

(i) greater than or equal to the minimum dimension of the second mold, and

(ii) less than or equal to the maximum dimension of the second mold, and wherein the sum of the fixed dimension of the first embellishment and the calculated dimensions of all of the sections of the

second embellishment is substantially equal to the dimension of the architectural structure.

Carey_3, on the other hand, teaches a fixed dimension and the second mold has a variable dimension, especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_3 also teaches the use of minimum and maximum dimensions - especially in the use of "offsets", as in Fig.7B, Items 758, 770, and 776, and at the associated text at paragraphs [0055], [0074] and [0075].

Carey_1 and Carey_3 are analogous art because they are from the same field of endeavor – CAD software for designing decorative stonework.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Carey_1 with those of Carey_3.

The motivation for doing so is the fact that the two references are co-pending applications that claim benefit to the same disclosure in U.S. Provisional application 60/449,493. These two references are derived from the same initial disclosure, and were originally intended to work together in the same apparatus and method.

Therefore, it would have been obvious to combine Carey_1 with Carey_3 to obtain the invention as claimed in claim 23.

44. In regards to Claim 24, Carey_1 teaches the following limitations:

24. *The method as recited in claim 23, further comprising:
receiving information indicative of a selected characteristic of the selected embellishment.*

(See Carey_1, especially: paragraphs [0026] and [0040]).

45. In regards to Claim 25, Carey_1 teaches the following limitations:

25. The method as recited in claim 24, wherein the selected characteristic of the selected embellishment includes a color, a texture, a material, shape, and/or a cross sectional pattern.

Examiner has interpreted this limitation as being in the alternative for all listed elements. Carey_1 expressly teaches that the embellishment includes a shape. (See Carey_1, especially: Figure 1 and associated text at paragraph [0026]).

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a bi-week, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753.

Any response to this office action should be faxed to (571) 273-8300, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

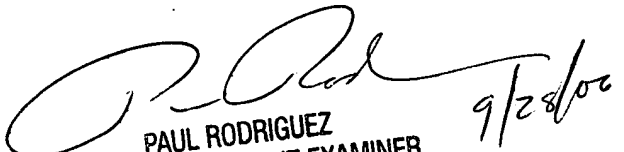
or hand carried to:

USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Art Unit: 2123

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon
Art Unit 2123
September 27, 2006


PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
9/28/06